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September 14, 2016

The Honorable F.A. Gossett, III
United States Magistrate Judge
United States District Court for the District of Nebraska
Roman L. Hruska Federal Courthouse
111 South 18th Plaza, Suite 2210
Omaha. Nebraska 68102

Re: *United Fire & Casualty Company a/s/o Tony's Steakhouse v. Ventura*
      Foods, LLC and Sysco Corporation
      Case No.: 8:16-cv-144

Dear Judge Gossett:

Pursuant to paragraph two of this Court's July 18, 2016, Order For Initial Progression Of Case, Plaintiff's counsel has discussed this Court's expectations regarding mediation with a representative of the Plaintiff. Plaintiff's counsel has also read the District Court's Mediation Plan, and thereafter discussed the idea of mediation with defense counsel.

After conducting these discussions, it appears to Plaintiff's counsel that all the attorneys and parties feel the same way about the potential for mediation. It appears that while none of the parties are adverse to attempting mediation in this matter, they all want a meaningful mediation. In order to have a meaningful mediation, and since the issues in this matter are somewhat complex, and there will be a need for at least some discovery to be taken.

In short, it is Plaintiff's counsel's understanding that while none of the parties are adverse to idea of trying to mediate this matter, it is too early in the litigation to conduct a meaningful discussion of the issues that will need to be addressed in order to try to resolve this matter. Thus, Plaintiff believes that this matter is not yet ready for mediation, and the parties should move forward with discovery. Mediation should again be addressed later in the litigation.

We hope this correspondence addresses this Court's questions regarding mediation of the above captioned matter. If this Court has any further questions, or needs additional information, please contact us.

Very truly yours,

BAILEY & BAILEY

Brian T. Bailey